

Application No. 09/723,505
Amendment Dated August 17, 2005
Reply to Final Office Action of February 18, 2005

REMARKS/ARGUMENTS

By this Amendment, Claim 1 is amended. Claims 21-26 and 28 are cancelled. Claim 35 is added. Claims 1-5, 6-20 and 35 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application into condition for allowance (for reasons discussed herein), (b) does not raise any new issues requiring further search and/or consideration (because the Amendment is directed to subject matter previously considered during prosecution), (c) does not present any additional claims without canceling a corresponding number of finally rejected claims, and (d) places the application into better form for appeal, should an appeal be necessary. Applicants respectfully request entry of the Amendment.

The Examiner sets forth that Claims 1-2, 7-15, 19-21 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al. (hereinafter Gilbert) U.S. Patent No. 6,370,537 and Wei U.S. Patent No. 6,654,784.

Referring to Claim 1, the Examiner sets forth that Gilbert discloses a method for delivering information to a person accessing a banner website from a terminal located remote from a source of the banner website, the terminal having an associated display upon which a content of the website is visually perceived by a person using the terminal and a cursor whose position is controllable by the person. The Examiner directs the Applicants' attention to col. 17, lines 12-30, which the Examiner believes describes how

the banner is determined by an ad server, which is remote from the user's terminal. According the Examiner, Fig. 26 shows a website, whose content is visually perceived by the user, with banner 2600. The Examiner directs the Applicants' attention to Col. 17, lines 44-47 which the Examiner believes describes how the user may move the mouse, which controls the position of a cursor.

a) The Examiner further believes that the method of Gilbert provides initial signals from the source of the website or from another remote source when the website is accessed by the person to establish a banner area on the display (the Examiner directs the Applicants' attention to col. 17, lines 12-21), the banner area having banner boundaries (the Examiner also directs the Applicants' attention to Fig. 26) and including banner advertising information that is visually perceivable by the person when the website is accessed and plural sub-area of the banner area according to the Examiner. The Examiner also directs the Applicants' attention to Fig. 26, banner 2600, which shows three sub-areas (frames) according to the Examiner. The Examiner also directs the Applicants' attention to col. 17, lines 40-44, which the Examiner believes describes how the banner may be split into frames.

b) The Examiner further believes that the method of Gilbert enables the person to control the cursor to position the cursor on any one of the sub-areas of the banner area to provide a selected sub-area, whereupon the Examiner believes that the person is automatically provided with respective additional visually perceivable advertising message information associated with the selected sub-area, the additional visually perceivable

advertising message information being provided without requiring other action by the person, by displaying the additional visually perceivable advertising message information being displayed in a selected region of the display according to the Examiner. The Examiner directs the Applicants' attention to col. 17, lines 44-53, which the Examiner believes describes how a mouse over an image in one of the frames causes a pop-up window (visually perceivable) to be displayed in a specific region of the display, the pop-up window provides additional advertising message information associated with the selected sub-area (frame).

c) The Examiner further sets forth that the method of Gilbert enables the person to control the cursor to position the cursor on the selected region (through the use of the mouse, according to the Examiner).

d) The Examiner further sets forth that the respective additional visually perceivable advertising message information of Gilbert is imperceivable by the person until the cursor is located on the selected sub-area. The Examiner directs the Applicants' attention to col. 17, lines 44-53, which the Examiner believes describes how a mouse over an image in one of the frames causes a pop-up window (visually perceivable) to be displayed, which provides additional information associated with the selected sub-area (frame). According to the Examiner, the pop-up window does not have a button in the window for closing the window ('x'), and therefore is believed by the Examiner to remain perceivable to the

person as long as the cursor remains on the selected sub-area (frame) or on the pop-up window.

- e) The Examiner further believes that it is typical for a mouse over event to last as long as the mouse (cursor) remains positioned over the image associated with the mouse over (i.e. until a MouseOut event occurs). The Examiner takes Official Notice of this teaching. According to the Examiner, it would have been obvious to one of ordinary skill in the art to ensure the pop-up window of Gilbert remains open as long as the cursor remains on the selected sub-area (frame) or the pop-up window (region), because the lack of movement of the cursor indicates the user is still reading the additional information, according to the Examiner.

The Examiner further believes that the instructions for controlling the display of Gilbert (i.e. the banner area with pop-up windows) are provided through Java Applets (the Examiner directs the Applicants' attention to col. 17, lines 12-30). According to the Examiner, the instructions are essentially compiled code, and compiled code may be achieved through a vast array of programming environments, including, Java Applets, XML and JavaScript may be used to provide the instructions in steps a) and b) above. However, the Examiner believes that Wei explicitly teaches that Java Applets require starting the Java Virtual Machine and take extra time to download (the Examiner directs the Applicants' attention to col. 3, lines 29-39 and col. 4, lines 14-25) and that Wei describes how

JavaScript may replace Java Applets to increase performance and reduce the user's wait time (the Examiner directs the Applicants' attention to col. 4, lines 30-54).

Thus, the Examiner sets forth that it would have been obvious to one of ordinary skill in the art to modify the advertising method of Gilbert, such that the instructions for controlling the display to provide banner advertisements and additional advertisement information are written with JavaScript instead of Java Applets in order to increase performance and reduce wait time as suggested by Wei.

Referring to Claim 2, the Examiner sets forth that Gilbert shows a pop-up window associated with banner 2600 in Fig. 26, which substantially crosses the lower boundary of the banner area according to the Examiner, but the Examiner further sets forth that Gilbert does not explicitly show the selected region where the pop-up window (visually perceivable advertising message information) is displayed is disposed substantially outside the boundaries of the banner area. However, according to the Examiner pop-up windows may be placed anywhere within a display and may comprise different sizes.

As an example, the Examiner directs the Applicants' attention to Fig. 18 of Gilbert, which the Examiner believes shows a pop-up window (1802), disposed substantially outside of the boundaries of banner area (1801). According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the pop-up window of Gilbert in a selected region disposed substantially outside of the boundaries of the banner area, in order to prevent covering up the banner, and reducing its visibility or to enlarge the pop-up window to draw attention to it.

Referring to Claims 7-8, the Examiner sets forth that the initial signals of Gilbert carry the instructions necessary for enabling the terminal to establish the additional visually perceivable advertising message information (pop-up) when in receipt of appropriate data and when the instructions operate upon the appropriate data, and the Examiner believes that the method of Gilbert re-accesses the source of the website or accesses another source for receiving the appropriate data upon which the instructions operate to provide the additional visually perceivable information. The Examiner directs the Applicants' attention to col. 17, lines 25-31 and 50-54.

Referring to Claim 9, the Examiner sets forth that the pop-window of Gilbert (additional visually perceivable information) is displayed in a selected region (window) of the display adjacent to the selected sub-area (frame). The Examiner directs the Applicants' attention to the pop-up window over (adjacent) the banner 2600 in Fig. 26.

Referring to Claim 10, the Examiner sets forth that the additional visually perceivable advertising message information of Gilbert contains link information for linking the person to a further website when the person clicks on the selected region. The Examiner directs the Applicants' attention to col. 17, lines 48-64 which the Examiner believes teaches the foregoing.

Referring to Claims 11-12, the Examiner sets forth that the method of Gilbert receives the visually perceivable banner advertising message information, first identification data representative of the visually perceivable banner advertising message information, the additional visually perceivable advertising message information, and second identification

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data representative of additional visually perceivable advertising message information. The Examiner directs the Applicants' attention to col. 17, lines 25-31 and 50-54, which the Examiner believes describes how the banner information and additional advertising message information are served from an ad server, and therefore must be received by the terminal.

According to the Examiner, the method of Gilbert specifies a placement of the additional visually perceivable advertising message information with respect to the visually perceivable banner advertising message information according to the first and second identification data. The Examiner directs the Applicants' attention to Fig. 26, which shows the pop-up window (additional information) in relation to the banner which the Examiner believes teaches the foregoing.

Referring to Claim 13, the Examiner sets forth that the method of Gilbert must build a use map in accordance with the first and second identification data to associate the appropriate pop-up window with the appropriate image (sub-area) in the banner. The Examiner directs the Applicants' attention to col. 17, lines 44-47. Also, the Examiner further directs the Applicants' attention to col. 12, lines 20-28 which the Examiner also believes teaches the foregoing.

Referring to Claim 14, the Examiner sets forth that Gilbert discloses the step of providing additional visually perceivable advertising message information comprises the steps of:

a) building a pop-up function in accordance with the additional visually perceivable advertising message information (the Examiner directs the Applicants' attention to col. 17, lines 44-47);

b) adding HTML information to the pop-up function to provide an enhanced pop-up function (the Examiner directs the Applicants' attention to col. 17, lines 47-50 and col. 12, lines 26-28); and

c) displaying the visually perceivable banner advertising message information and the additional perceivable advertising message information in accordance with the enhanced pop-up function. The Examiner directs the Applicants' attention to col. 17, lines 40-50 and the pop-up associated with banner 2600 in Fig. 26.

Referring to Claim 15, the Examiner believes that Gilbert discloses the step of altering associations between the sub-areas (frames) and the respective additional visually perceivable advertising message information and repeating step (b). The Examiner directs the Applicants' attention to col. 17, lines 17-31 and 50-54. The Examiner further believes this describes how the content of the pop-up (additional visually perceivable information) and banner are determined by the ad server and may be changed by the advertiser according to the Examiner.

Referring to Claim 19, the Examiner sets forth that Gilbert discloses transmitting a request having request information to a server database (ad server) on a further website containing stored visual information in response to the positioning of the cursor on the selected sub-area (frame), selecting the additional visually perceivable advertising

message information (pop-up window) from the stored visual information in response to the request information, and transmitting the visually perceivable advertising message information selected from the stored visual information to the banner website. The Examiner directs the Applicants' attention to col. 17, lines 44-54 which the Examiner believes teaches the foregoing.

Referring to Claim 20, the Examiner sets forth that the terminal of Gilbert provides a terminal display having a display iframe comprising the steps of displaying the additional visually perceivable banner advertising message information within the display iframe and displaying the additional visually perceivable advertising message information in response to positioning the cursor on the iframe. The Examiner directs the Applicants' attention to col. 17, lines 12-47 and Fig. 26.

Referring to Claim 21, the Examiner sets forth that Gilbert discloses a system for delivering information to a person accessing a banner website from a terminal located remote from the source of the banner website, the terminal having an associated display upon which the content of the website is visually perceived by a person using the terminal and a cursor whose position is controllable by the person. The Examiner directs the Applicants' attention to col. 17, lines 12-30, which the Examiner believes describes how the banner is determined by an ad server, which is remote from the user's terminal.

The Examiner believes that Fig. 26 shows a website, whose content is visually perceived by the user, with banner 2600. The Examiner further believes that Col. 17, lines

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44-47 describes how the user may move the mouse, which controls the position of a cursor, according to the Examiner.

According to the Examiner, the system of Gilbert provides initial signals from the source of the website or from another remote source when the website is accessed by the person to establish a banner area on the display (the Examiner directs the Applicants' attention to col. 17, lines 12-21), the banner area including banner advertising message information that is visually perceivable by the person when the website is accessed and plural sub-areas of the banner area. The Examiner directs the Applicants' attention to Fig. 26, banner 2600, which the Examiner believes shows three sub-areas (frames). Also, the Examiner directs the Applicants' attention to col. 17, lines 40-44 of the Gilbert reference, which the Examiner believes describe how the banner may be split into frames.

The Examiner further believes that the initial signals of Gilbert enable the person to control the cursor to position the cursor on any one of the sub-areas of the banner area to provide a selected sub-area, whereupon the Examiner believes that the person is automatically provided with respective additional visually perceivable advertising message information associated with the selected sub-area, the additional visually perceivable advertising message information being provided without requiring other action by the person, the respective additional visually perceivable information being imperceivable by the person until the cursor is located on the selected sub-area, according to the Examiner. The Examiner directs the Applicants' attention to col. 17, lines 44-53, which the Examiner believes describes how a mouse over an image in one of the frames causes a pop-up

window (visually perceivable) to be displayed, which according to the Examiner provides additional information associated with the selected sub-area (frame).

The Examiner believes that Gilbert shows a pop-up window associated with banner 2600 in Fig. 26, which the Examiner believes substantially crosses the lower boundary of the banner area. However, the Examiner further believes that Gilbert does not explicitly show the pop-up window (visually perceivable information) is provided substantially outside the boundaries of the banner area. Additionally, according to the Examiner pop-up windows may be placed anywhere within a display and may comprise different sizes. As an example, the Examiner directs the Applicants' attention to Fig. 18 of Gilbert, which the Examiner believes shows a pop-up window (1802), substantially, outside of the boundaries of banner area (1801). According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the pop-up window of Gilbert substantially outside of the boundaries of the banner area, in order to prevent covering up the banner, and reducing its visibility or to enlarge the pop-up window to draw attention to it.

The Examiner further sets forth that the instructions for controlling the display of Gilbert (i.e. the banner area with pop-up windows) are provided through Java Applets (the Examiner directs the Applicants' attention to col. 17, lines 12-30). According to the Examiner, the instructions are essentially compiled code, and compiled code may be achieved through a vast array of programming environments, including, Java Applets, XML and JavaScript, for example. Therefore, the Examiner believes that Gilbert implies, but

does not explicitly teach that JavaScript may be used to provide the instructions in the method above.

However, the Examiner further believes that Wei explicitly teaches that Java Applets require starting the Java Virtual Machine and take extra time to download (the Examiner directs the Applicants' attention to col. 3, lines 29-39 and col. 4, lines 14-25). According to the Examiner, Wei describes how JavaScript may replace Java Applets to increase performance and reduce the user's wait time (the Examiner directs the Applicants' attention to col. 4, lines 30-54). Accordingly, the Examiner sets forth it would have been obvious to one of ordinary skill in the art to modify the advertising method of Gilbert, such that the instructions for controlling the display to provide banner advertisements and additional advertisement information are written with JavaScript instead of Java Applets in order to increase performance and reduce wait time as the Examiner believes is suggested by Wei.

Referring to Claim 25, the Examiner sets forth that the pop-up window of Gilbert (additional visually perceivable advertising message information) is displayed in a region (window) adjacent to the selected sub-area (frame). The Examiner directs the Applicants' attention to the pop-up window over (adjacent) the banner 2600 in Fig. 26. The Examiner further sets forth that the pop-up window does not have a button in the window for closing the window ('x'), and therefore is believed by the Examiner to remain perceivable to the person as long as the cursor remains on the selected sub-area (frame) or on the pop-up window.

The Examiner also believes that it is typical for a mouse over event to last as long as the mouse (cursor) remains positioned over the image associated with the mouse over (i.e. until a MouseOut event occurs). The Examiner sets forth that the Examiner takes Official Notice of this teaching. According to the Examiner, it would have been obvious to one of ordinary skill in the art to ensure the pop-up window of Gilbert remains open as long as the cursor remains on the selected sub-area (frame) or the pop-up window (region), because the Examiner believes the lack of movement of the cursor indicates the user is still reading the additional information.

Referring to Claims 26-27, the Examiner sets forth that the initial signals of Gilbert carry the instructions necessary for enabling the terminal to establish the additional visually perceivable advertising message information (pop-up) when in receipt of signals transmitted from a further website in response to the instructions, and the initial signals of Gilbert require re-accessing the further website for selecting the transmitted signals. The Examiner directs the Applicants' attention to col. 17, lines 25-31 and 50-54 which the Examiner believes teaches the foregoing.

Referring to Claim 28, the Examiner sets forth that Gilbert discloses a method of enabling a user on a website to traverse a banner presented on the website using an indicator (mouse cursor) to display an image (pop-up) in response to the traversing of the banner and that the method of Gilbert provides the banner with a first hot spot with an associated image of advertising message information (the Examiner directs the Applicants' attention to col. 17, lines 45-47), activates the first hot spot when the indicator (mouse)

traverses the first hot spot and enables the associated image (pop-up) of the first hot spot when the first hot spot is activated to provide an enabled image (the Examiner directs the Applicants' attention to col. 17, lines 44-47 which the Examiner believes is in regard to how a pop-up is displayed in response to a mouse over). The Examiner also directs the Applicants' attention to the pop-up window over (adjacent) the banner 2600 in Fig. 26.

According to the Examiner, the pop-up window does not have a button in the window for closing the window ('x'), and therefore is believed by the Examiner to remain enabled as long as the indicator (mouse) is disposed on the pop-up (enabled image), and the Examiner believes that the pop-up is removed when the mouse is moved off of it. The Examiner further believes that it is typical for a mouse over event to last as long as the mouse (cursor) remains positioned over the image associated with the mouse over (i.e. until a MouseOut event occurs). The Examiner sets forth that the Examiner takes Official Notice of this teaching. According to the Examiner it would have been obvious to one of ordinary skill in the art to ensure the pop-up window of Gilbert remains open as long as the cursor remains over the enabled image (pop-up), because the Examiner believes that the lack of movement of the cursor indicates the user is still reading the additional information.

The Examiner further sets forth that the instructions for controlling the display of Gilbert (i.e. the banner area with pop-up windows) are provided through Java Applets (the Examiner directs the Applicants' attention to col. 17, lines 12-30). According to the Examiner, the instructions are essentially compiled code, and the Examiner believes that

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compiled code may be achieved through a vast array of programming environments, including, Java Applets, XML and JavaScript, for example.

Therefore, the Examiner believes that Gilbert implies, but does not explicitly teach that JavaScript may be used to provide the instructions in the method above. However, the Examiner further believes that the Wei reference explicitly teaches that Java Applets require starting the Java Virtual Machine and take extra time to download (the Examiner directs the Applicants' attention to col. 3, lines 29-39 and col. 4, lines 14-25 which the Examiner believes teaches the foregoing).

According to the Examiner, Wei describes how JavaScript may replace Java Applets to increase performance and reduce the user's wait time (the Examiner directs the Applicants' attention to col. 4, lines 30-54) the Examiner believes that and it would have been obvious to one of ordinary skill in the art to modify the advertising method of Gilbert, such that the instructions for controlling the display to provide banner advertisements, and enable and remove images associated with hot spots in the banner are written with JavaScript instead of Java Applets in order to increase performance and reduce wait time as the Examiner believes is suggested by Wei.

Referring to Claim 29, the Examiner sets forth that in the method of Gilbert, a further website is associated with the associated image (pop-up) and the Examiner believes further comprises the step of clicking on the enabled image and transporting the user to the further website in response to the clicking. The Examiner directs the Applicants' attention to col. 17, lines 48-64.

Referring to Claim 30, the banner in Gilbert is provided with a second hot spot having a further image associated therewith and which the Examiner believes comprises the further step of traversing the second hot spot by the indicator (mouse) within the banner and enabling the further associated image (pop-up) in response thereto. The Examiner directs the Applicants' attention to col. 17, lines 40-47, which the Examiner believes describes how the banner may be divided into frames, each having an associated pop-up on a mouse over, according to the Examiner.

Referring to Claim 31, the Examiner sets forth that the indicator of Gilbert is directed by a mouse, having a right mouse button and a left mouse button, and the Examiner believes that the user of Gilbert traverses the first hot spot without clicking on the right or left buttons of the mouse. The Examiner directs the Applicants' attention to col. 17, lines 44-47 of Gilbert, which the Examiner believes describes how a mouse over causes the pop-up to be displayed (activates the hot spot).

Referring to Claim 32, the Examiner sets forth that Gilbert discloses the step of altering associations between the first and second hot spots (frames) and the associated images and enabling the further associated image when the first hot spot is traversed. The Examiner directs the Applicants' attention to col. 17, lines 17-31 and 50-54, which the Examiner believes describes how the content of the pop-up (additional visually perceivable information) and banner are determined by the ad server and may be changed by the advertiser.

Referring to Claim 33, the Examiner sets forth that the selected region (pop-up placement) of Gilbert is disposed partially over the selected sub-area. The Examiner directs the Applicants' attention to Fig. 26, 2600, which the Examiner believes shows the pop-up is partially over the middle frame (selected sub-area).

Referring to Claim 34, the Examiner sets forth that Gilbert shows a selected region disposed outside the selected sub-area for displaying additional visually perceivable advertising message information. The Examiner directs the Applicant's attention to Fig. 26, 2606, which the Examiner believes provides information about the selected product in the selected region of the banner in frame outside of the selected sub-area.

The Examiner sets forth that Claims 3-5 and 22-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gilbert and Wei, as applied to claims 1 and 21 above, and Dustin et al. (hereinafter Dustin) U.S. Patent No. 6,496,857.

Referring to Claims 3-5 and 22-24, the Examiner sets forth that Gilbert discloses additional visually perceivable advertising message information in the form of a pop-up window, but Gilbert and Wei do not explicitly describe that the pop-up window contains audio information, video information, or mixed media information according to the Examiner. However, the Examiner believes that Dustin describes a method for enhancing advertisements, which the Examiner believes provides ads that contain audio, video and/or mixed media information. The Examiner directs the Applicants' attention to col. 3, lines 5-8. The Examiner further believes that it would have been obvious to one of ordinary skill in the art at the time of the invention to enhance the additional visually perceivable advertising

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message information (pop-up window advertisements) of the Gilbert and Wei references, such that they include audio, video and/or mixed media information for a more effective form of advertisement as the Examiner believes supported by the Dustin reference.

The Examiner sets forth that Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert and Wei, as applied to Claim 1 above, and Mason et al. (hereinafter Mason) U.S. Patent No. 6,401,075.

Referring to Claims 16-18, Gilbert discloses that the advertisements may be customized according to a user profile or at the discretion of the advertiser (the Examiner directs the Applicants' attention to col. 17, lines 21-31). But, the Examiner believes that Gilbert does not explicitly altering the associations between the sub-areas and the additional visually perceivable advertising message information in accordance with recorded performance parameters.

However, the Examiner further believes that Mason discloses methods of monitoring internet advertising, in which parameters (which are predetermined) representative of the advertisements (i.e. click-through) are recorded to provide recorded performance parameters, and the advertisements presented are altered in accordance with the recorded performance parameters according to the Examiner. The Examiner directs the Applicants' attention to col. 2, lines 39-51.

The Examiner further sets forth that the Examiner believes that altering the advertisements in accordance with the recorded performance parameters is repeated to provide the advertiser with accurate results of the success of the advertisements. The

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Examiner believes that it would have been obvious to one of ordinary skill in the art to modify the associations between the frames of the banner (sub-areas) and the pop-up window (additional visually perceivable advertising message information) of Gilbert in accordance with recorded performance parameters as taught by Mason in order to provide the advertiser with information on the success of the advertisements in the pop-up window and alter the pop-up window and banner accordingly as supported by Mason.

The Examiner sets forth that Applicants' arguments filed November 1, 2004 have been fully considered but the Examiner believes that they are not persuasive.

The Examiner further sets forth that the Applicants argue that the official notice taken of the "Legend and Color Web Page" (the "Web Page" hereinafter), is improper because the required teaching, suggestion, or motivation to combine the Web Page with Gilbert or Wei is not present. The Examiner sets forth that the Examiner respectfully disagrees. In response to the Applicants' arguments that the Examiner's use of the Web Page effectively amounts to combining a third reference to produce the Applicants' claim invention since Gilbert and Wei do not teach or suggest the features that the Examiner sets forth as taught by the Web Page, the Examiner sets forth that Examiner respectfully wishes to clarify that the Examiner's citation of the Web Page in the Response to Arguments section of the non-final office action mailed on July 28, 2004.

The Examiner further sets forth that the Examiner's citation of the Web Page was not intended to add the Web Page as a third reference to be combined with the Gilbert and Wei references, nor was it specifically intended to be directed to the interface teachings of

the Applicants' invention. Instead the Examiner sets forth that it was presented as evidence of what the Examiner believes is a teaching that is well known to one of ordinary skill in the computer arts. According to the Examiner, the suggestion or motivation for the official notice teaching can be found in that it would have been obvious to one of ordinary skill in the art to ensure the pop-up window of Gilbert remains open as long as the cursor remains on the selected sub-area or pop-up window because the Examiner believes that lack of movement of the cursor indicates the user's continuing interest in reading, or viewing the displayed information. Therefore, according to the Examiner users can continue to view the information of interest without having to perform further user interface actions.

The Examiner further sets forth that the Applicants argue that the Web Page does not address the problem solved by the Applicant since the Web page merely teaches an image popping up in a conventional amount of time and does not address the problem of popping the image up immediately, which is the problem solved by the Applicants. The Examiner further sets forth that the Examiner respectfully contends that the problem solved by the Applicants is concerned with the intended use of the Applicants' invention and is not given patentable weight.

The Examiner further sets forth that the Examiner further wishes to note that the problem of popping the image up immediately, as argued by the Applicants as lacking in the Web Page, is not a claimed step of the present invention. According to the Examiner, although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. The Examiner directs the Applicants' attention to in re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner sets forth that the Federal Rules of Evidence relating to the use of judicial notice are set forth in Fed.R.Evid Section 201. Section 201. The Examiner further sets forth that Section 201 sets forth that judicial notice of facts is permitted when they are either "(1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." According to the Examiner, the Applicants believe that the matter, which the Examiner takes official notice of, is not "generally known" or "capable of accurate and ready determination".

Further, according to the Examiner, the Examiner respectfully disagrees. The Examiner sets forth that allowing a mouse over event to last as long as the mouse (cursor) remains positioned over the image associated with the mouse over event is a well-known feature of a graphical user interface to one of ordinary skill in the computer arts. The Examiner further sets forth that the determination of this general knowledge was accurately and readily evidenced by the Web Page cited by the Examiner in the Response to Arguments section of the non-final Office Action mailed on July 28, 2004, which the Examiner believes teaches the display of a pop up image (image A) when the mouse pointer is placed over the image and the disappearance of the image when the mouse pointer is out of the particular image. Therefore, according to the Examiner, image A

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remains visually perceivable to the person as long as the cursor remains on the image area, in other words, the Examiner believes that until a mouse out even occurs.

The Examiner further sets forth that the Applicants argue that neither Dustin nor Mason teach the use of JavaScript to perform the operations of their inventions. However, the Examiner sets forth that the Examiner respectfully notes that the teaching of the use of JavaScript is taught by Wei. The Examiner believes that Wei teaches the use of JavaScript powered web pages to deliver a rich featured GUI in order to increase performance and reduce a user's wait time. The Examiner directs the Applicants' attention to column 4, lines 30-54.

Furthermore, the Examiner believes that the Applicants argue that Mason does not teach the automatic provision of additional visually perceivable information corresponding to a selected sub-area when a user positions the cursor on a sub-area according to the Examiner. The Examiner respectfully notes that the teaching of the provision of additionally visually perceivable information corresponding to a selected sub-area when the user positions the cursor on the sub-area is taught by Gilbert in column 17, lines 11-64. The Examiner believes that Gilbert teaches that when a mouse is placed over an item represented by a displayed frame of a plurality of frames, a visually perceivable pop-up window is displayed, providing additional information associated with the selected item, according to the Examiner.

The Examiner sets forth that the Applicants argue that none of the references cited by the Examiner teach or suggest the use of JavaScript to perform the operations set forth

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in the Applicants' amended Claims 1, 21 and 28. According to the Examiner, the Examiner respectfully disagrees. The Examiner believes that Gilbert implies, but does not explicitly teach that JavaScript may be used to provide the instructions for controlling the displayed banner area with pop-up windows by teaching the provision of the instructions for controlling the display through Java applets (the Examiner directs the Applicants' attention to column 17, lines 12-30), which the Examiner believes is a programming environment for achieving compiled code, or instructions. The Examiner believes that compiled code, or instructions can be carried out via a number of programming environments, including, but not limited Java Applets.

According to the Examiner, since JavaScript is also a programming environment that can carry out compiled code, or instructions, Gilbert implies that JavaScript may be used to provide instructions for controlling the display. The Examiner believes that Wei explicitly teaches that Java Applets require starting the Java Virtual Machine and take extra time to download (the Examiner directs the Applicants' attention to col. 3, lines 29-39 and col. 4, lines 14-25). The Examiner further sets forth that Wei describes how JavaScript may replace Java Applets to increase performance and reduce the user's wait time (the Examiner directs the Applicants' attention to col. 4, lines 30-54).

According to the Examiner, it would have been obvious to one of ordinary skill in the art to modify the advertising method of Gilbert, such that the instructions for controlling the display to provide banner advertisements and additional advertisement information are

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written with JavaScript instead of Java Applets in order to increase performance and reduce wait time as suggested by Wei according to the Examiner.

The Examiner sets forth that in response to Applicants' argument that Wei is not suitable for a system that provides advertising message information, such as the system taught by Gilbert, due to the larger size of applications in Wei, the Examiner believes that it has been held that a prior art reference must either be in the field of Applicants' endeavor or, if not, then be reasonably pertinent to the particular problem with which the Applicants were concerned, in order to be relied upon as a basis for rejection of the claimed invention. The Examiner directs the Applicants' attention to *in re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

According to the Examiner, in this case, both Gilbert and Wei are directed at providing web page information through the use of Java based programming. Furthermore, according to the Examiner Java Applets are described as one embodiment in Gilbert for providing the compiled code, and compiled code may clearly be provided through all kinds of programming environments. Therefore, the Examiner believes that while the method of Gilbert gives the example of Java Applets, one of ordinary skill in the art readily recognizes that other programming environments may be used to provide the instructions, especially other Java constructs (i.e. JavaScript, JSP, etc.) which the Examiner believes are primarily used in the web programming field of the banner advertising method of Gilbert.

The Examiner believes that the fact that Applicants have recognized another advantage which would flow naturally from following the suggestion of the prior art (i.e. interchanging Java Applets and JavaScript) cannot be the basis for patentability when the differences would otherwise be obvious. The Examiner directs the Applicants' attention to Ex parte Obiaya, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

The Applicants' Claimed Invention

Therefore the Applicants' amended claim 1 sets forth a method for delivering information to a person accessing a banner website from a terminal located remote from a source of the banner website, the terminal having an associated display upon which a content of the website is visually perceived by a person using the terminal and a cursor whose position is controllable by the person, including the step of providing initial signals from the source of the website or from another remote source by means of Javascript when the website is accessed by the person to establish a banner area on the display during a banner display period, the banner area having banner boundaries and including (i) banner advertising message information that is visually perceivable by the person when the website is accessed and (ii) plural sub-areas of the banner area having respective additional visually perceivable advertising messages associated therewith in accordance with a first set of associations wherein the associations of the first set of associations are maintained constant during the banner display time.

The method also includes enabling the person to control the cursor to position the cursor on any one of the sub-areas of the banner area to provide a selected sub-area,

whereupon the person is automatically provided by means of the Javascript with the respective additional visually perceivable advertising message of the selected sub-area, without requiring other action by the person, the additional visually perceivable advertising message being displayed in a selected region of the display.

At least one parameter is recorded and optimized in accordance optimization criteria to provide optimized parameter information. The respective additional visually perceivable advertising message information is imperceivable by the person until the cursor is located on the selected sub-area and remaining perceivable to the person as long as the cursor is positioned on the sub-area.

The associations of the advertising messages with the banner sub-areas are altered in accordance with the optimized parameter information to provide a second set of associations wherein the second set of associations is maintained constant during a further banner display time differing from the first banner display time. A differing additional visually perceivable advertising message is provided in response to a further positioning of the cursor on the selected sub-area in accordance with the second set of associations.

Additionally, the Applicants' new claim 35 sets forth a method for delivering information to a person accessing a banner website from a terminal located remote from a source of the banner website, the terminal having an associated display upon which a content of the website is visually perceived by a person using the terminal and a cursor whose position is controllable by the person, including the step of providing first and second initial signals from respective differing subdomains at respective differing first and

second websites to provide a primary display of a primary document in a first HTML web page and a secondary display of a second document in a second HTML page, at least one of the displays being a banner area on the other of the displays during a banner display period, the banner area having banner boundaries and including (i) banner advertising message information that is visually perceivable by the person when the website is accessed and (ii) plural sub-areas of the banner area and at least one of the first and secondary displays being an iframe object whereby the first and second HTML pages can be independently scrolled.

The person is enabled to control the cursor to position the cursor on any one of the sub-areas of the banner area to provide a selected sub-area, whereupon the person is automatically provided with the respective additional visually perceivable advertising message information associated with of with the selected sub-area, the additional visually perceivable advertising message information being provided without requiring other action by the person, by displaying the additional visually perceivable advertising message information being displayed in a selected region of the display.

Patentability Argument with Respect to Amended Claim 1¹

Mason teaches a method for obtaining an advertisement, modifying the advertisement to fit designated spaces for differing web sites, and placing the differing advertisements at the differing web sites. In the method taught by Mason, an original advertisement is loaded into a central processor and used to form derivative

advertisements that conform to the configuration parameters of a plurality of selected web sites. The properly configured derivative advertisements are then transmitted to their corresponding web sites. Parameters such as the number of hits or click throughs obtained by the advertisements are monitored. The banners at the website can be altered according to the information obtained by monitoring the click throughs.

However, Mason teaches the associating and the altering of an association between an advertisement and an entire banner area. Mason does not teach the association of additional visually perceivable images with individual banner sub-areas when a user positions the cursor on a sub-area.

Applicants strongly traverse the Examiner's suggestion during the October 7, 2004 interview that a plurality of banners as taught by Mason, when moved to positions adjacent to each other to form a single large banner, suggests the Applicants' banner sub-areas. All of the sub-areas of the Applicants' banner are formed from a single serving of initial signals. Mason teaches forming a plurality of banners, each with its own set of initial signals. Mason does not teach obtaining information for all of the "sub-areas" within the composite "banner" suggested by the Examiner from the same initial signals.

Therefore, if the banners of Mason are placed in adjacent positions, the sub-regions suggested by the Examiner would not have the same set of initial signals and would not be the Applicants' banner. Thus, Mason does not teach or suggest serving initial signals to provide a banner displaying of a banner area including a plurality of banner sub-areas formed from said serving of initial signals as included in the Applicants' invention as now

claimed.

Furthermore, Mason does not teach providing differing sets of associations with the in accordance with same additional visually perceivable images from a single initial serving and differing optimization criteria as required by the Applicants. Mason is silent with respect to rearranging the same pop up images on a single banner according to differing optimization criteria.

Gilbert teaches projects which include a meta object layout and a number of meta objects, wherein meta layouts contain the mapping information of the meta objects. The meta objects contain linked nodes of a hierarchal data structure and the mapping information is used for mapping the meta objects to the display. Queries taught by Gilbert retrieve projects, and thereby the meta objects within them. They are adapted to return data as query results which are then passed to the display.

The information of Gilbert may be rendered in frames, each frame representing a different product, and those products can revolve across the viewer's webpage in the banner space provided. As the user moves a mouse over the images rotating across the field taught by Gilbert a pop-up window will appear, giving more information about a particular product. See 17:40-47. Thus, after the initial signals are served in Gilbert the rotating image is associated with differing regions of the banner during the display. Therefore, the associations between the rotating icon and the various regions of the banner of Gilbert are not maintained constant during that serving of the initial signals.

Accordingly, Gilbert does not teach associating an image with an area of a banner

and maintaining the association during the display of a serving of initial signals as required in amended claim 1. Amended claim 1 requires the associations to be maintained during a first serving, reassociated, and then maintained during a second serving of initial signals. Furthermore, Gilbert does not teach measuring or optimizing parameters and reassociating images accordingly as recited in amended claim 1.

Additionally, Gilbert does not teach or suggests first serving initial signals to provide a banner display on a display device, the display area including a plurality of banner sub-areas formed from the same serving of initial signals as required in Applicants' amended claim 1.

Dustin teaches delivering targeted enhanced advertisements across electronic networks. In the system taught by Dustin equipment at the user site sends a notification when the user clicks on a specific portion of a displayed advertisement. In response to the clicking on the advertisement an enhanced version of the advertisement is accessed. At a later time, the user can request access to the enhanced information. In one embodiment of the system taught by Dustin a stream of thumbnails of enhanced versions of the information can be displayed on the user's screen. However, the thumbnails are transmitted in response to clicking on a specified designation within the banner, rather than in response to merely navigating to one of a plurality sub-areas in the banner. Selected thumbnails within the plurality of thumbnails can be enlarged by navigating to them.

Patentability Argument with Respect to New Claim 35²

In the Applicants' invention, a primary HTML document can be provided with a frame therein for permitting the display of secondary images within such a frame. For example, a banner advertisement can be displayed in a frame located within a primary HTML document. The image within the frame is essentially a miniature HTML web page that can be scrolled, printed, or operated upon in substantially any manner normally possible when operating upon HTML documents, independently of any such scrolling printing etc. of the primary document. This type of frame within a document is referred to as an iframe. The Examiner's attention is directed to page 3, line 15 to page 3, line 21 of the Applicants' specification.

It is known in the art to provide a flash image or pop-up image wherein an associated flash image or pop-up image is displayed to the user when the user activates it, for example, by movement of an indicator on the primary HTML document. However, it is not possible in the prior art to activate such an associated image by movement of an indicator on a primary document when the primary document is displayed within an iframe. See page 3, line 15 to page 4, line 3 of the Applicants' specification.

Further, in the Applicants' invention, a visual display having a banner advertisement can be a conventional display page having an HTML frame object. The HTML frame object can be an iframe element of the display page wherein a banner advertisement can be displayed within the iframe element. The HTML frame object for displaying the banner

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advertisement is treated as a separate document within the display page. See page 25, line 20 to page 26, line 4.

None of the references cited by the Examiner teach or suggest the use first and second initial signals for providing an independent iframe image within a primary image on a display as required by new claim 35. None of the references suggest providing a primary document and a secondary document (iframe) which are independent HTML pages, wherein selecting a sub-area in the iframe frame object can cause additional visually perceivable information to appear in the primary document as required by the Applicants' new claim 35.

Furthermore, none of the references cited by the Examiner teach or suggest providing initial signals providing additional visually perceivable advertising message information establishing a banner area on a terminal or removing an enabled image as required by new Claim 35.

The remaining claims depend from independent Claim 1 and are also allowable for at least the reasons set forth above.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

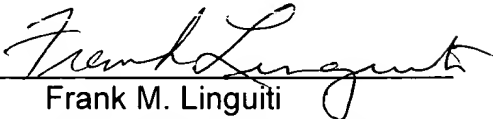
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

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Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
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August 17, 2005

By 
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Please charge or credit our
Account No. 03-0075 as
necessary to effect entry
and/or ensure considera-
tion of this submission.

ⁱ These arguments are based upon the arguments provided to the Examiner in the Response to the Office Action of May 7, 2004 in the related application Serial Number 09/872,036 filed June 1, 2001 and entitled "System and Method for Conditionally Associating a Plurality of Enabled Images with a Predetermined Image."

ⁱⁱ These arguments are based upon the arguments provided to the Examiner in the Response to the Office Action of May 7, 2004 in the related application Serial Number 09/872,972 filed June 1, 2001 and entitled "System and Method for Displaying an Enabled Image Associated with a Predetermined Image in an Iframe of a Visual Display."